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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,446	06/28/2001	Pleyer Sven	03797.00042	5196

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EXAMINER
PARTON, KEVIN S

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/894,446	SVEN ET AL.
	Examiner	Art Unit	
	Kevin Parton	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-14,19-26,28 and 30-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-14,19-26,28 and 30-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 19, and 21 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 8, 9, 11-13, 19-26, 28, and 31-33 are rejected under 35 U.S.C.

103(a) as being unpatentable over Foley et al. (USPN 6,487,590) in view of Inoue

(USPN 6,339,790).

4.   Regarding claim 1, Foley et al. (USPN 6,487,590) teach a control management

system for software controllable devices comprising:

      a. A communication network (figure 1).

      b. A plurality of software controllable devices coupled to the network

          wherein each software controllable device has at least one property to

          be controlled and wherein each software controllable device has an

          associated control object that exposes the properties of the device to

          be exposed (column 1, lines 39-44; column 3, lines 19-33).

c. At least one client operatively coupled to the network and having a

user interface, the client being capable of changing a value of a

property of at least one device via the network (column 3, lines 28-35).

d. An event manager coupled to the network and having stored the

property values of each device and the properties to which the client

subscribed (column 3, lines 35-40; column 2, lines 55-59).

e. Wherein the event manager when polled by the client provides the

client with an update of any changes to the properties to which the

client has subscribed (column 2, lines 55-59; column 3, lines 35-40).

Although the system disclosed by Foley et al. (USPN 6,487,590) shows

substantial features of the claimed invention, it fails to disclose means wherein the

event manager has a client time stamp indicating when the client last queried the event

manager for property change information.

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Foley et al. (USPN 6,487,590) as

evidenced by Inoue (USPN 6,339,790).

In an analogous art, Inoue (USPN 6,339,790) discloses a system for receiving

management information on a network wherein the event manager has a client time

stamp indicating when the client last queried the event manager for property change

information (figure 11; column 10, lines 40-47).

Given the teaching of Inoue (USPN 6,339,790), a person having ordinary skill in

the art would have readily recognized the desirability and advantages of modifying the

system of Foley et al. (USPN 6,487,590) by utilizing a timestamp to identify when the client last queried for information. As shown in Inoue (USPN 6,339,790) column 2, lines 3-18, this benefits the system by allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request.

5.   Regarding claims 2 and 22, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the event manager has a persistence store container identifying each control object of the devices to be controlled (column 2, lines 55-59; figure 4).

6.   Regarding claims 3 and 23, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 2 and 22, respectively. They further teach means wherein each control object in the persistence store has associated parameters selected from the group consisting of an identification of the control object, a name of the control object, a location of the associated device, an exposed properties listing of the associated device, and a property descriptor (figure 4).

7.   Regarding claims 4 and 24, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 3 and 23, respectively. They further teach means wherein the property descriptor enumerates the exposed properties of the control object (figure 4).

8.   Regarding claims 5 and 25, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the event manager has a custom container identifying each control object

based on locations of each of the associated plurality of software controllable devices (column 2, lines 55-59; figure 4).

9.   Regarding claims 6 and 26, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein each property stored in the event manager has an associated time stamp indicating when the property last changed value (column 2, lines 55-59). Note that only changes are sent, so the time of last update must be known.

10.   Regarding claims 8 and 28, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the client subscribes to at least one controllable property that the client can control and wherein the event manager associates the controllable property with the client (column 2, lines 56-59; column 3, lines 29-33).

11.   Regarding claim 9, although the system disclosed by Foley et al. (USPN 6,487,590) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means for (i) receiving a request from a client for status information regarding at least one property of a device wherein the request provides the client time stamp indicating when the client last queried the event manager for property change information; (ii) comparing the client time stamp with a time stamp corresponding to when the property that the client requests last changed value; and (iii) if the client time stamp is earlier than the time stamp corresponding to when the property that the client requests last changed value, providing the property value information to the client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Foley et al. (USPN 6,487,590) as evidenced by Inoue (USPN 6,339,790).

In an analogous art, Inoue (USPN 6,339,790) discloses a system for receiving management information on a network with means for (i) receiving a request from a client for status information regarding at least one property of a device wherein the request provides the client time stamp indicating when the client last queried the event manager for property change information; (ii) comparing the client time stamp with a time stamp corresponding to when the property that the client requests last changed value; and (iii) if the client time stamp is earlier than the time stamp corresponding to when the property that the client requests last changed value, providing the property value information to the client (figure 11; column 2, lines 26-38; column 5, line 60 – column 6, line 6; column 10, lines 40-47).

Given the teaching of Inoue (USPN 6,339,790), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Foley et al. (USPN 6,487,590) by requiring a client time stamp and delivering only information that has changed since the last query by comparing the client timestamp to the time the data was changed. As shown in Inoue (USPN 6,339,790) column 2, lines 3-18, this benefits the system by allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request.

12.   Regarding claims 11 and 31, Foley et al. (USPN 6,487,590) teaches all the
limitations as applied to claims 1 and 21, respectively. They further teach means
wherein the software controllable devices communicate with the event manager via a
component object model (COM) (column 4, lines 3-10).

13.   Regarding claims 12 and 32, Foley et al. (USPN 6,487,590) teach all the
limitations as applied to claims 11 and 31, respectively. They further teach means
wherein the client is not COM enabled (column 4, lines 3-10).

14.   Regarding claims 13 and 33, Foley et al. (USPN 6,487,590) teaches all the
limitations as applied to claims 1 and 21, respectively. They further teach means
wherein the software controllable devices communicate with the event manager via a
distributed component object model (DCOM) (column 4, lines 3-10).

15.   Regarding claims 19 and 20, Foley et al. (USPN 6,487,590) teach a system for
providing a client information about at least one device with means for:

     a. Storing, in a central memory coupled to the network, property
       information for the device (figure 1).

     b. Receiving change information from the network indicating that a
       property of the device has changed (column 1, lines 42-44; column 2,
       lines 55-59).

     c. Storing, in the central memory, the change information relating to the
       property of the device (figure 4; figure 8).

     d. Receiving a request for status information from a client regarding the
       property (column 2, lines 55-59; column 1, lines 42-44).

    e. Providing the change information to the client via the network (column

       2, lines 55-59).

    f. Wherein the client has accurate information regarding the device to be

       controlled (column 2, lines 55-59).

Although the system disclosed by Foley et al. (USPN 6,487,590) shows

substantial features of the claimed invention, it fails to disclose means for storing a

property time stamp corresponding to the change information indicating when the

property of the device changed and providing status information when the client has a

client time stamp that is earlier than the property time stamp.

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Foley et al. (USPN 6,487,590) as

evidenced by Inoue (USPN 6,339,790).

In an analogous art, Inoue (USPN 6,339,790) discloses a system for receiving

management information on a network with means for storing a property time stamp

corresponding to the change information indicating when the property of the device

changed and providing status information when the client has a client time stamp that is

earlier than the property time stamp (figure 11; column 2, lines 26-38; column 5, line 60

– column 6, line 6; column 10, lines 40-47).

Given the teaching of Inoue (USPN 6,339,790), a person having ordinary skill in

the art would have readily recognized the desirability and advantages of modifying the

system of Foley et al. (USPN 6,487,590) by requiring a client time stamp and delivering

only information that has changed since the last query by comparing the client

timestamp to the time the data was changed. As shown in Inoue (USPN 6,339,790)
column 2, lines 3-18, this benefits the system by allowing for the management system to
not have to keep a log of all records that have been sent and simply send those that
have changed since the last request.

16.   Regarding claim 21, Foley et al. (USPN 6,487,590) teach a system for controlling
devices comprising:

    a. At least one control object residing in the computer-readable medium
        accessible to a software controllable device and exposing controllable
        properties for the respective device, the control object accepting and
        issuing messages to and from the respective device (figure 1; column
        1, lines 39-45)

    b. An event manager module in the computer readable medium accepting
        and issuing messages to the control object and storing the exposed
        controllable properties and property values of the devices (figure 1,
        element 24; column 2, lines 55-59).

    c. A user interface residing in the client adapted to receive property value
        information from the event manager and accept and issue control
        messages to and from the event manager (figure 1, element 30;
        column 3, lines 18-20).

    d. Wherein the event manager serves as an interface for the client to
        issue commands to the software controllable devices and to receive
        updates of any changes to the property values (column 3, lines 28-40).

Although the system disclosed by Foley et al. (USPN 6,487,590) shows substantial features of the claimed invention, it fails to disclose means for (i) receiving a request from a client for status information regarding at least one property of a device wherein the request provides the client time stamp indicating when the client last queried the event manager for property change information; (ii) comparing the client time stamp with a time stamp corresponding to when the property that the client requests last changed value; and (iii) if the client time stamp is earlier than the time stamp corresponding to when the property that the client requests last changed value, providing the property value information to the client.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Foley et al. (USPN 6,487,590) as evidenced by Inoue (USPN 6,339,790).

In an analogous art, Inoue (USPN 6,339,790) discloses a system for receiving management information on a network with means for (i) receiving a request from a client for status information regarding at least one property of a device wherein the request provides the client time stamp indicating when the client last queried the event manager for property change information; (ii) comparing the client time stamp with a time stamp corresponding to when the property that the client requests last changed value; and (iii) if the client time stamp is earlier than the time stamp corresponding to when the property that the client requests last changed value, providing the property value information to the client (figure 11; column 2, lines 26-38; column 5, line 60 – column 6, line 6; column 10, lines 40-47).

Given the teaching of Inoue (USPN 6,339,790), a person having ordinary skill in

the art would have readily recognized the desirability and advantages of modifying the

system of Foley et al. (USPN 6,487,590) by requiring a client time stamp and delivering

only information that has changed since the last query by comparing the client

timestamp to the time the data was changed. As shown in Inoue (USPN 6,339,790)

column 2, lines 3-18, this benefits the system by allowing for the management system to

not have to keep a log of all records that have been sent and simply send those that

have changed since the last request.

17.   Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Foley et al. (USPN 6,487,590) in view of Inoue (USPN 6,339,790) as applied to

claims 1 and 21, respectively, and further in view of Kumar et al. (USPN 6,665,731).

18.   Regarding claims 10 and 30, although the system disclosed by Foley et al.

(USPN 6,487,590) and Inoue (USPN 6,339,790) (as applied to claims 1 and 21,

respectively) shows substantial features of the claimed invention, it fails to disclose

means wherein the client communicates with the event manager via eXtensible Markup

Language (XML).

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Foley et al. (USPN 6,487,590) and

Inoue (USPN 6,339,790), as evidenced by Kumar et al. (USPN 6,665,731).

In an analogous art, Kumar et al. (USPN 6,665,731) discloses a system for

remotely accessing device information wherein the client communicates with the event

manager via eXtensible Markup Language (XML) (abstract; column 4, lines 53-60).

Given the teaching of Kumar et al. (USPN 6,665,731), a person having ordinary

skill in the art would have readily recognized the desirability and advantages of

modifying Foley et al. (USPN 6,487,590) and Inoue (USPN 6,339,790) by employing

XML in the communication between the client and the event manager. This benefits the

system because XML is easily expanded to include new devices and data types and

can be viewed and utilized by a client of any platform.

19.   Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Foley et al. (USPN 6,487,590) in view of Inoue (USPN 6,339,790) as applied to

claims 1 and 21, respectively, and further in view of Humpleman et al. (USPN

6,546,419).

20.   Regarding claims 14 and 34, although the system disclosed by Foley et al.

(USPN 6,487,590) and Inoue (USPN 6,339,790) (as applied to claims 1 and 21,

respectively) shows substantial features of the claimed invention, it fails to disclose

specifically means wherein the devices are selected from the group consisting of

electronics, appliances, furniture, and fixtures.

Nonetheless, these features are well known in the art and it would have been an

obvious modification of the system disclosed by Foley et al. (USPN 6,487,590) and

Inoue (USPN 6,339,790), as evidenced by Humpleman et al. (USPN 6,546,419).

In an analogous art, Humpleman et al. (USPN 6,546,419) discloses a system for

the remote monitoring and control of devices wherein the devices are selected from the

group consisting of electronics, appliances, furniture, and fixtures (abstract; figure 3).

Given the teaching of Humpleman et al. (USPN 6,546,419), a person having

ordinary skill in the art would have readily recognized the desirability and advantages of

modifying the systems of Foley et al. (USPN 6,487,590) and Inoue (USPN 6,339,790)

by monitoring one of the above-mentioned devices. This benefits the system by

allowing a user to monitor home equipment when away from home.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Parton whose telephone number is (571)272-

3958. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

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